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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,408	09/18/2001	Silvio Montagner	66309-135-2	9524

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EXAMINER

HAWKINS, CHERYL N

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

0015

Office Action Summary

Application No.

09/913,408

Applicant(s)

MONTAGNER, SILVIO

Examiner

Cheryl N Hawkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Claim 1 recites a method for forming panels having a bottom edge with "radiused bottom corners", however Claim 1 goes on to recite that "the radiused bottom corner" is removed to create one or more grooves. It is suggested that Claim 1 be amended to recite that --the bottom corner-- is removed to create one or more grooves. Appropriate correction is required.
2. Claim 1 is objected to because of the following informalities: "to and" in line 5 of the claim should be marked --and to--. Appropriate correction is required.
3. Claim 1 is objected to because of the following informalities: ":" and" in line 14 of the claim should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-3, 5, 8, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClung et al. (US 5,085,027) in view of the admitted prior art and De Marchi (EP 0 562 300

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A1). McClung et al. discloses a method for forming panels having top, bottom, and side surface and a bottom edge with radiused bottom corners comprising the steps of applying a plastic surface covering on the top surface, the bottom surface, and the side surfaces of the panel at least as far as the bottom corner (Figure 3; column 3, lines 9-12; column 2, lines 39-41); removing some material from at least one side of a panel in correspondence with the bottom edge of the panel so as to remove the bottom corner and to create one or more grooves having milled edges formed therein (Figures 3 and 4, milling cutter 30; column 3, lines 12-20); inserting a unitary corner-covering element having an edge in the groove; and subsequently forming the corner-covering element via a milling process to have a profile conjugate with the corner profile of the removed material and to have the edge of the corner-covering element flush with the bottom and sides of the panel.

As to Claim 1, McClung et al. is silent as to the polymeric sheet being thermoformed. It is well known and conventional in the plastic article manufacturing art, as disclosed by the admitted prior art (page 1 of the specification, lines 1-16), to use a thermoforming process for conforming a plastic sheet to a shaped article. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the veneers of McClung et al. with a thermoforming process as suggested by the admitted prior art; thermoforming processes being well established in the art for applying plastic sheets to shaped articles.

As to Claim 1, the references as combined do not disclose shaping the corner-covering element to have a profile conjugate with the corner profile of the removed material prior to inserting the corner-covering element into the groove or applying the thermoformable surface covering after removing the material from the bottom corner. De Marchi discloses a method for

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forming panels which includes forming a unitary corner-covering element having an edge, the corner-covering element having a profile conjugate with the corner profile of the removed material; inserting the corner-covering element in the groove so that the edge of the corner-covering element is flush with the bottom and sides without milling subsequent to inserting the corner-covering element in the groove; and applying a plastic surface coating to the top surface, the bottom surface, and the side surfaces of the panel up to at least as far as the edges cut for a inserting a corner-covering element to create a water tight joint for the surface covering (abstract; Figure 2; column 4, lines 17-53). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of the references as combined to include shaping the corner-covering element to have a profile conjugate with the corner profile of the removed material prior to inserting the corner-covering element into the groove and applying the thermoformable surface covering after removing and replacing the corner-covering material from the bottom corner as suggested by De Marchi to create a water tight joint.

As to Claim 2, the references as combined (see McClung et al.) disclose a method comprising radiusing the external profile of the corner-covering element (Figures 4 and 5; column 3, lines 21-34).

As to Claim 3, the references as combined (see McClung et al.) disclose a method comprising forming the corner-covering element of plastic (column 2, line 67 through column 3, line 3; column 2, lines 39-41).

As to Claim 5, the references as combined (see McClung et al.) disclose a method comprising forming the corner-covering element of wood (column 2, line 67 through column 3, line 3; column 2, lines 39-41).

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As to Claim 8, the references as combined (see McClung et al.) disclose a method comprising extending the corner-covering element along the entire bottom edge of the panel (Figures 1 and 2).

6. Claims 4, 6-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClung et al. (US 5,085,027), the admitted prior art, and De Marchi (EP 0 562 300 A1) as applied to claim 2 above, and further in view of Greenfield (US 5,475,953). The references as combined are silent as to the corner-covering element being made of aluminum, ABS, or rubber. Greenfield discloses an edge molding strip which can be constructed of a heavy-duty plastic material, such as aluminum, ABS, or rubber (column 3, lines 47-49). It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the corner-covering element of the references as combined from any heavy-duty material such as aluminum, ABS, or rubber as suggested by Greenfield to provide adequate protection of the edge.

7. Claim 8 and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClung et al. (US 5,085,027), the admitted prior art, and De Marchi (EP 0 562 300 A1) as applied to claim 1 above, and further in view of Ciancio et al. (US 6,063,475). The references as combined (see McClung et al.) disclose a panel in which the corner-covering element is present on the entire bottom edge of the panel (see Figure 2). In any event, it is well known and conventional in the edge molding art, as disclosed by Ciancio et al. (Figure 4), to apply a corner-covering element such that it protects an extended portion of the panel. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the corner-covering element of the

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references as combined to cover an extended portion of the panel as conventionally known in the art.

Response to Arguments

8. The applicant's arguments that the order of the steps in the invention are sequenced in a different way than the cited references have been considered but are moot in view of the new ground(s) of rejection. The reference of McClung et al. does not disclose shaping the corner-covering element to have a profile conjugate with the corner profile of the removed material prior to inserting the corner-covering element into the groove or applying the thermoformable surface covering after removing the material from the bottom corner. The references of De Marchi has been added to disclose a method for forming panels which includes forming a unitary corner-covering element having an edge, the corner-covering element having a profile conjugate with the corner profile of the removed material; inserting the corner-covering element in the groove so that the edge of the corner-covering element is flush with the bottom and sides without milling subsequent to inserting the corner-covering element in the groove; and applying a plastic surface coating to the top surface, the bottom surface, and the side surfaces of the panel up to at least as far as the edges cut for a inserting a corner-covering element to create a water tight joint for the surface covering (abstract; Figure 2; column 4, lines 17-53). The rejection set forth above states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of the references as combined to include shaping the corner-covering element to have a profile conjugate with the corner profile of the removed material prior to inserting the corner-covering element into the groove and applying the thermoformable

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surface covering after removing and replacing the corner-covering material from the bottom corner as suggested by De Marchi to create a water tight joint. Even though the applicant has amended Claim 1 to recite applying the thermoformable surface covering after removing the material from the bottom corner, it is noted that Claim 1 does not exclude applying the thermoformable surface covering after removing the material from the bottom corner and replacing it with the shaped corner-covering element.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (571) 272-1229.

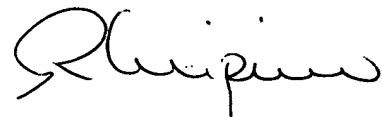
The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Cheryl N. Hawkins

Cheryl N. Hawkins 1/12/04

January 11, 2004



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